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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,502	01/06/2004	Ying-Chou Lee	LEEY3019/EM	3358

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ALEXANDRIA, VA 22314

EXAMINER

ASHLEY, BOYER DOLINGER

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/751,502

Applicant(s)

LEE, YING-CHOU

Examiner

Boyer D. Ashley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 2-4,7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Evans et al., U.S. Patent 6,032,566.

Evans et al. discloses the invention substantially as claimed, including for example, a base (23) having walls on a periphery thereof (see Figure 2); a base plate (11) mounted to the walls of the base and having a plurality of through holes (circular punch holes as shown in Figures 3 and 7) and connection holes (27/28), a ridge (40) extending upward from a front side of the base plate; a plurality of punch units (21) each having a bottom plate (34) and a casing (32) which is connected to the bottom plate, a receiving slot (see Figure 4) defined between the bottom plate and the casing, the bottom plate having a first hole (see Figure 4) defined therethrough and the casing having a second hole (see Figure 4) that is located in alignment with the first hole, a punch member (P, see Figure 4) movably extending through the casing and a spring (see Figure 4) mounted to the punch member and biased between two opposite walls of the casing (see Figure 4), the punch member being located such that a lower end of the punch may extend through the second hole, the receiving slot, the first hole, and the through hole (see Figure 4); a bolt (26) extending through one of the connection holes

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and connected to the bottom plate (see Figure 4) of the one of the punch units; and a handle (14) pivotably connected to two lugs (12) on two ends of the base plate and having a plurality of protrusions (13a/13b/13c) on an underside thereof such that the top ends of the punch members are pushed by the protrusions.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al., U.S. Patent 6,032,566, in view of Semerjian et al., U.S. Patent 4,449,436.

Evans et al. discloses the invention substantially as claimed, including for example, a base (23) having walls on a periphery thereof (see Figure 2); a base plate (11) mounted to the walls of the base and having a plurality of through holes (circular punch holes as shown in Figures 3 and 7) and connection holes (27/28); a plurality of punch units (21) each having a bottom plate (34) and a casing (32) which is connected to the bottom plate, a receiving slot (see Figure 4) defined between the bottom plate and the casing, the bottom plate having a first hole (see Figure 4) defined therethrough and the casing having a second hole (see Figure 4) that is located in alignment with the first hole, a punch member (P, see Figure 4) movably extending through the casing and a spring (see Figure 4) mounted to the punch member and biased between two opposite walls of the casing (see Figure 4), the punch member being located such that

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a lower end of the punch may extend through the second hole, the receiving slot, the first hole, and the through hole (see Figure 4); a bolt (26) extending through one of the connection holes and connected to the bottom plate (see Figure 4) of the one of the punch units; and a handle (14) pivotably connected to two lugs (12) on two ends of the base plate and having a plurality of protrusions (13a/13b/13c) on an underside thereof such that the top ends of the punch members are pushed by the protrusions.

Evans et al. lacks the two positioning blocks extending from the bottom plate and being engaged with the connection hole. Evans et al. instead provides a curved front edge on the bottom plate to match a curved ridge of the base plate in order to align the punch casings perpendicular with the base plate such that they are prevented from shifting.

Semerjian et al. discloses that it is old and well known in the art to use blocks (22) on punch casings that cooperate with slots/holes on the base plates for the purpose of facilitating alignment and preventing shifting of the punch while in place. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use blocks with the device of Evans et al. in addition to the curved front lip portion of Evans et al. in order positively prevent shifting while maintaining alignment of the punch.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al., U.S. Patent 6,032,566, in view of Semerjian et al.

Evans et al. discloses the invention substantially as claimed except for the two positioning blocks extending from the bottom plate and being engaged with the

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connection hole. Evans et al. instead provides a curved front edge on the bottom plate to match a curved ridge of the base plate in order to align the punch casings perpendicular with the base plate such that they are prevented from shifting.

Semerjian et al. discloses that it is old and well known in the art to use blocks (22) on punch casings that cooperate with slots/holes on the base plates for the purpose of facilitating alignment and preventing shifting of the punch while in place. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use blocks with the device of Evans et al. in addition to the curved front lip portion of Evans et al. in order positively prevent shifting while maintaining alignment of the punch.

#### ***Allowable Subject Matter***

6. Claims 2-4 and 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

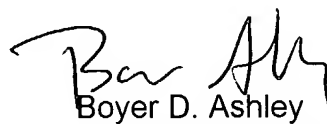
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 703-308-1845. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Boyer D. Ashley  
Primary Examiner  
Art Unit 3724

BDA  
October 1, 2004